

REMARKS

Claims 1, 5, and 22-24 have been amended. Claims 2, 3, 6-11 and 25-38 have been cancelled without prejudice or disclaimer. Claims 1, 4-5, and 22-24 are pending and under consideration. Claims 1 and 22 are the independent claims. No new matter is presented in this Amendment. Proper support for the amendment to claims 1 and 22 is found in the specification, at least, at paragraph 0027.

RESPONSE TO ARGUMENTS:

The Office Action notes that the translated documents do not correspond to the invention of the instant application.

Initially, it is noted that the translated documents correspond to invention disclosure forms broadly describing the inventions recited in the above identified patent application and not to the English translations of the priority documents.

Accordingly, Applicants hereby enclose verified English translations of the priority documents Korean Patent Application No. 2003-12868 claiming priority to February 28, 2003 and Korean Patent Application No. 2003-12952 claiming priority to March 3, 2003, describing the invention of the instant application.

As noted in the Amendment filed on July 12, 2007, Sasaki claims priority to PCT/JP02/07689 filed July 29, 2002 and published in Japanese on February 20, 2003. Since the PCT publication is in Japanese, the PCT filing date of July 29, 2002 is not usable under 35 U.S.C. §102(e) and therefore, the earliest useable date for Sasaki is the PCT publication date of February 20, 2003.

As also noted in our response filed July 12, 2007, the present application claims priority to Korean Patent Application No. 2003-12868 filed on February 28, 2003 and Korean Patent Application No. 2003-12952 filed on March 3, 2003. A certified copy of each Korean Patent Application was filed in the United States Patent and Trademark Office as acknowledged by the Examiner on page 1 of the Office Action mailed March 12, 2007.

Additionally, as further set forth in the Declaration under 37 C.F.R. 1.131 filed July 12, 2007, applicants have shown an earlier date of invention for the instant application of at least

February 5, 2003.

Therefore, since Sasaki was not published until after the date of invention for the instant application, it is respectfully submitted that Sasaki is not available as prior art under any of the subsections of 35 U.S.C. §102.

DOUBLE PATENTING

Claims 1-11 and 22-35 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 11/589,042.

Since claims 1-11 and 22-35 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature (see MPEP 804).

As such, it is respectfully requested that Applicants be allowed to address any provisional obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. §103 are resolved.

Claims 1-11 and 22-35 are further provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-54 of copending Application No. 11/052,165, claims 1-49 of copending Application No. 11/045,485 and claims 1-63 of copending Application No. 11/018,225.

Since claims 1-11 and 22-35 of the instant application have not yet been indicated as allowable, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature (see MPEP 804).

As such, it is respectfully requested that Applicants be allowed to address any provisional obviousness-type double patenting issues remaining once the rejections of the claims under 35 U.S.C. §103 are resolved.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1-11 and 22-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over SASAKI et al. (U.S. Patent 7,062,626).

Regarding the rejection of independent claim 1, it is noted that claim 1 recites a write-once disc with at least one record layer, comprising: at least one temporary defect management area in which temporary defect information and temporary defect management information comprising a pointer indicating an area in which the temporary defect information is recorded are recorded; and an access information area in which location information regarding an area in which updated predetermined information is recorded, is recorded, wherein the location information comprises a physical or logical address of the area in which the temporary defect information is recorded.

As noted above, since Sasaki was not published until after the date of invention for the instant application, it is respectfully submitted that Sasaki is not available as prior art under any of the subsections of 35 U.S.C. §102.

Nevertheless, it is noted that Sasaki discloses an information recording medium in which an AV file area and a basic file structure area are moved from an inner portion of the disc to an outer portion of the disc to which the number of times data rewrite is limited, so as to avoid concentration of data rewrite in the same area and thus prevent occurrence of a defect (column 3, lines 33-39). In other words, Sasaki simply discloses recording information in different areas of the disc to avoid writing data in the same location which could lead to defects.

However, Sasaki fails to teach or suggest that the location information comprises a physical or logical addresses of the area in which the temporary defect information is recorded.

Accordingly, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. § 103(a) should be withdrawn because Sasaki fails to teach or suggest each feature of independent claim 1 and does not qualify as prior art.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 4-5 under 35 U.S.C. §103(a) should be withdrawn at least because of their dependency from claim 1 and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 4-5 also distinguish over the prior art.

Regarding the rejection of claims 2 and 3 it is noted that these claims have been cancelled without prejudice or disclaimer. Accordingly, the rejection of these claims is moot.

Regarding the rejection of independent claim 22, it is noted that claim 22 recites some substantially similar features as claim 1. Thus, the rejection of this claim is also traversed for the reasons set forth above.

Regarding the rejection of claims 23 and 24, it is noted that these claims depend from claim 22, and as noted above, Sasaki fails to teach or suggest the novel features of claim 22.

Accordingly, Applicants respectfully assert that the rejection of dependent claims 23 and 24 under 35 U.S.C. §103(a) should be withdrawn at least because of their dependency from claim 22, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 23 and 24 also distinguish over the prior art.

Regarding the rejection of claims 6-11, 25-35 and 38, it is noted that these claims have been cancelled without prejudice or disclaimer. Accordingly, the rejection of these claims is moot.

Claims 1-11 and 22-23 are further rejected under U.S.C. §103(a) as being unpatentable over GOTOH et al. (U.S. Patent 6,581,167).

Regarding the rejection of independent claim 1, it is noted that claim 1 recites a write-once disc with at least one record layer, comprising: at least one temporary defect management area in which temporary defect information and temporary defect management information comprising a pointer indicating an area in which the temporary defect information is recorded are recorded; and an access information area in which location information regarding an area in which updated predetermined information is recorded, is recorded, wherein the location information comprises a physical or logical address of the area in which the temporary defect information is recorded.

Gotoh discloses an information recording medium including a data recording area including a first spare area including a spare sector for replacing a defective sector among the plurality of sectors; a defect management information area for managing the replacement of the defective sector by the spare sector; and a volume space in which user data can be recorded.

Gotoh further discloses that the volume space is configured so that a second spare area including a spare sector for replacing a defective sector among the plurality of sectors can be additionally allocated. Gotoh finally discloses that location information indicating a location of the second spare area is recorded in the defect management information area (column 3, lines 37-49). In other words, Gotoh simply discloses providing location information of the spare areas in the defect management information area.

Gotoh however, makes no reference to the location information comprising a physical or logical addresses of the area in which the temporary defect information is recorded.

Accordingly, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. § 103(a) should be withdrawn because Gotoh fails to teach or suggest each feature of independent claim 1.

Regarding the rejection of independent claim 22, it is noted that claim 22 recites some substantially similar features as claim 1. Thus, the rejection of this claim is also traversed for the reasons set forth above.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 4-5 and 23-24 under 35 U.S.C. §103(a) should be withdrawn at least because of their dependency from claims 1 and 22, respectively and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 2-5 and 23-24 also distinguish over the prior art.

Regarding the rejection of claims 2, 3, 6-11, 25-35 and 38 it is noted that these claims have been cancelled without prejudice or disclaimer. Accordingly, the rejection of these claims is moot.

Claims 1-11 and 22-36 are further rejected under under U.S.C. §103(a) as being unpatentable over SHIN (U.S. Patent 6,529,458).

Regarding the rejection of independent claim 1, it is noted that claim 1 recites a write-once disc with at least one record layer, comprising: at least one temporary defect management area in which temporary defect information and temporary defect management information comprising a pointer indicating an area in which the temporary defect information is recorded are recorded; and an access information area in which location information regarding an area in

which updated predetermined information is recorded, is recorded, wherein the location information comprises a physical or logical address of the area in which the temporary defect information is recorded.

Shin discloses a method for managing a defective area of a rewritable optical recording medium, the method including transferring to a host, information of a defective area when the defective area is first encountered, writing the data intended for the defective area to another area within the user area (also known as the data area) under the control of the control unit, writing positional information about the defective area on a particular position in the data area, and correcting information in the ICB with reference to the positional information about the defective area.

Shin further discloses that this method prevents the reduction of recording capacity otherwise caused by the use of spare areas and improves an efficiency of use of the disk in a rewritable optical recording medium. This is achieved by replacing a defective block with another block within the data area only when a defect is encountered and making a file system to manage the defective areas. This method protects data with an effect identical to a linear replacement technique, and yet the recording capacity can be increased. Also, this method prolongs a life time of the disk, because there is no limitation on a size of the available replacement block, permitting data writing to continue regardless of a number of defective sectors.

In other words, Shin discloses preventing the reduction of recording capacity caused by the use of spare areas and achieves this by replacing a defective block with another block within the data area, only when a defect is encountered.

Shin makes no reference to the location information comprising a physical or logical addresses of the area in which the temporary defect information is recorded, as recited in amended independent claim 1.

Accordingly, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. § 103(a) should be withdrawn because Shin fails to teach or suggest each feature of independent claim 1, as amended.

Regarding the rejection of independent claim 22, it is noted that claim 22 recites some substantially similar features as claim 1. Thus, the rejection of this claim is also traversed for the reasons set forth above.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 4-5 and 23-24 under 35 U.S.C. §103(a) should be withdrawn at least because of their dependency from claims 1 and 22, respectively, and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 4-5 and 23-24 also distinguish over the prior art.

Regarding the rejection of claims 2, 3, 6-11, 25-35 and 38 it is noted that these claims have been cancelled without prejudice or disclaimer. Accordingly, the rejection of these claims is moot.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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